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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/760,834

01/17/2001

Harold C. Fleischer III

P20344

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07/15/2004

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EXAMINER

UBILES, MARIE C

ART UNIT

PAPER NUMBER

2642

11

DATE MAILED: 07/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/760,834

Applicant(s)

FLEISCHER ET AL.

Examiner

Marie C. Ubiles

Art Unit

2642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4 and 10.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Applicant's Amendment B filed on April 16, 2004 has been entered. No claims have been amended. No claims have been cancelled. No claims have been added. Claims 1-23 are still pending in this application, with claims 1, 6-7, 12-13, 16 and 20 being independent. The previous grounds for rejection and arguments set forth by Examiner Sadiki Mwanyoha in the Office Action mailed January 13, 2004 have been maintained. New limitations and arguments set forth by Applicant in Amendment B, will now be addressed by Examiner Marie Ubiles.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 and 6 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted step(s) are: to which element/device/location the "unformatted sampled data from the SCP/ call processor" is forwarded.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Art Unit: 2642

4. Claims 1-2, 4-7, 9-10, 12-16, 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nolting (US 6,282,267) in view of Sbisa (US 5,793,853) and further in view of Schlossman (US 5,734,705).

The previous office actions (papers number 5 and 7) are hereby incorporated by reference.

As for claim 1, the new limitation specifying "a query comprising unformatted data", is disclosed by Sbisa ('853), the 'query' claimed by the Applicants may be read in "service request" disclosed by Sbisa's ('853) system (*See for example, Col. 5, lines 19-31*). In regards to the "unformatted data", it is obvious that the data would be "unformatted data" before being going to the process of being formatted.

As for claims 6-7, 12-13, 16 and 20, the new limitations in regards to the same matter discussed above are rejected for the same reasons stated for claim 1.

5. Claims 3 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nolting (US 6,282,267) in view of Sbisa (US 5,793,853) and Schlossman (US 5,734,705), and further in view of Sbisa (US 2002/00900741).

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nolting (US 6,282,267) in view of Sbisa (US 5,793,853) and Schlossman (US 5,734,705), and further in view of Sapra et al. (US 5,940,485).

7. Claims 11, 19, 21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nolting (US 6,282,267) in view of Sbisa (US 5,793,853) and Schlossman (US 5,734,705), and further in view of Mott et al. (US 2002/0094070).

8. Claims 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nolting (US 6,282,267) in view of Sbisa (US 5,793,853) and Schlossman (US 5,734,705), and further in view of Herbert (US 5,333,183).

Response to Arguments

9. Applicant's arguments filed April 16, 2004 have been fully considered but they are not persuasive.

In regards to Applicants' argument in regard to Sbisa ('859) not receiving "the data in standard queries from the switches", as explained above by the Examiner, the 'query' claimed by Applicants may be read in "service request" disclosed by Sbisa's ('853) system (*See for example, Col. 5, lines 19-31*).

In regards to Applicants' argument regarding that Sbisa's ('859) "SCP does not forward unformatted data", the Examiner stated above that the limitation is omitting steps. It is not recited in the claims to where this "unformatted data" is forwarded.

Conclusion

10. This is an RCE of applicant's earlier Application No. 09/760,834. All claims are drawn to the same invention claimed in the earlier application and could have been

finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marie C. Ubiles whose telephone number is (703) 305-0684. The examiner can normally be reached on 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marie C. Ubiles
July 7, 2004.



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